

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

CONNECTICUT SITING COUNCIL : PETITION NO. 1133  
PETITION FOR A DECLARATORY RULING :  
PURSUANT TO CONN. GEN. STAT. §4-176 :  
THAT CONN. GEN. STAT. §16-50K DOES :  
NOT APPLY TO ELIGIBLE FACILITIES :  
REQUESTS FOR EXISTING :  
TELECOMMUNICATIONS FACILITIES :  
SUBMITTED UNDER THE FEDERAL :  
COMMUNICATIONS COMMISSION (FCC) :  
RULES ADOPTED PURSUANT TO THE :  
OCTOBER 21, 2014 FCC WIRELESS :  
INFRASTRUCTURE REPORT AND ORDER : FEBRUARY 10, 2015

**COMMENTS OF  
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS**

**Introduction**

On January 8, 2015, the Connecticut Siting Council (“Council”) opened a petition for declaratory ruling, pursuant to Conn. Gen. Stat. Section 4-176 (the “Petition”). Through the Petition, the Council seeks to establish a procedure through which it would determine that Conn. Gen. Stat. Section 16-50k does not apply to modifications to existing telecommunications facilities that meet the definition of Eligible Facility Request (“EFR”) under the October 21, 2014 Federal Communications Commission (“FCC”) Wireless Infrastructure Report and Order (the “FCC Order”). Cellco Partnership d/b/a Verizon Wireless (“Cellco”) appreciates the opportunity to submit these brief comments and looks forward to working with the Council as it reviews future EFR filings.

**Background**

In the FCC Order, the FCC adopted rules to clarify and implement the requirements of Section 6409 (a) of the Middle Class Tax Relief and Job Creation Act (a.k.a the Spectrum Act).

Section 6409(a) provides, in relevant part, that notwithstanding the provisions of Title 47 U.S.C. U.S.C. § 332(c)(7) or any other provision of law, “a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”<sup>1</sup> The FCC Order, among other things, established specific criteria to clarify for the State or local government when a facility modification “substantially changes” the physical dimension of a tower or base station.

### **Proposed EFR Process Approval Process**

In the Petition, the Council proposes to establish a process for the submission, evaluation and approval of EFRs. Generally, Cellco has no objection to the Council’s proposed EFR approval process as it parallels, in many respects, existing facility modification processes currently in place (e.g. Exempt Modification filings and Tower Share Applications). The submission of facility location and history information, as well as a description of how each proposed modification satisfies the FCC’s EFR criteria are essential elements of these filings.

The Council’s proposed EFR process also requires the petitioner to notify the host municipality and abutting property owners of the proposed facility modification and EFR filing. While the FCC Order may not require or contemplate public notice as part of the review of an EFR, Cellco supports the Council’s efforts to raise public awareness of the Council’s new EFR review process and the limitations imposed on the Council by the FCC Order. Cellco believes that the town(s) and abutting property owners would benefit from a clear statement in the Council’s final decision on the Petition, that the scope of the comments or concerns that can be submitted is limited to missing information and supporting documents that are reasonably

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<sup>1</sup> Spectrum Act § 6409(a)(1).

related to determining whether the request meets the requirements of Section 6409(a).<sup>2</sup> Cellco will include similar clarifying language in its notice letters to the town(s) and abutters.

Lastly, Cellco requests that the Council clarify what, if any, additional information or attachments should be included in the town's and abutter's notice letters and confirm, consistent with current Council notice practice, that proof of such notice may be provided in the petition itself through a simple certification by the filer.

**Conclusion**

Cellco appreciates the opportunity to submit these comments and looks forward to working with the Council to develop a process for submission, evaluation and approval of EFRs. If Council staff have any questions regarding any of these comments, please feel free to contact me at your convenience.

Respectfully submitted,

CELLCO PARTNERSHIP D/B/A VERIZON  
WIRELESS

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<sup>2</sup> FCC Order at ¶ 217.